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W.P.(MD)NO.15424 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15424 of 2020 AND

W.M.P.(MD)No.12958 of 2020

Pushpam

... Petitioner

Vs.

1. The Special Deputy Collector,
Thanjavur Revenue Tribunal,
Thanjavur.

2. Anbukodi

Rathina Kumar

Vijaya Kumar,

Rep. through their alleged Power of Attorney

P.Gandhi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed in Ni.Ma.4/2020 in PP 316/1992 and 42/1993 dated 05.10.2020 by the 1st respondent and quash as illegal.



For Petitioner : Mr.S.Chellapandian

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 : Ms.R.Maheswari

* * *

ORDER

Heard both sides.

2. The petitioner's husband Arumugam suffered an order at the hands of the Revenue Court, Kumbakonam. Challenging the same, he filed C.R.P.Nos.3116 and 3117 of 1994. The revisions were allowed on 24.10.1998 in the following terms:-

“4. In view of the above, these revisions are allowed and the said applications are remitted back to the Court below for the purpose of passing proper and separate orders in accordance with law, on condition of the petitioner paying the balance amount to the respondents within four weeks from this date. If the petitioner fails to pay the same, the order of the revenue Court dated Nil.01.1994 will stand and the respondents



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can take further action. It is also represented that some amounts had been deposited pursuant to the direction of this Court, and the respondents are permitted to withdraw the same with the above observations, these revisions are allowed accordingly. No costs. Consequently, C.M.P.Nos.15622 and 15623 of 1994 are closed.”

3. The first respondent has passed the impugned order directing eviction of the petitioner on the ground that the direction given by the High Court in the aforesaid CRPs. was not complied with. Challenging the said order dated 05.10.2020, the present writ petition came to be filed.

4. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

5. I am not persuaded by the said submissions. I posed a specific question as to whether there is any material to show that the direction given by this Court has been complied with. The first



respondent has rendered a specific finding that the order of the High Court has not been complied with and the amount payable by the petitioner has not been paid. No response is forthcoming. The petitioner appears to be a rank defaulter. For more than 30 years, the petitioner has been squatting on the property. The CRPs were disposed of in the year 1998. We are now in 2024. More than a quarter of century has lapsed. Interference with the impugned order is not warranted. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

The Special Deputy Collector,
Thanjavur Revenue Tribunal,
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G.R.SWAMINATHAN,J.

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